

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

[illegible]

MOTION TO INTERVENE AND REQUEST FOR EMERGENCY HEARING

Intervenor, Hawthorne Industrial Products, Inc., (hereinafter “Hawthorne”) for its own account as consignee of certain cargo, and as authorized agent for Genesis Products, Inc., Great Lakes Lamination, Great Lakes Forest Products, and Fusion Wood Products, pursuant to Rule 24(b)(2) of the Federal Rules of Civil Procedure, hereby moves for an Order to Vacate and/or modify Writs of Maritime Attachment and Garnishment requested by Plaintiff Transatlantica Commodities Pte Ltd. (“Transatlantica”) and in support states as follow

1. On or about May 27, 2022, Transatlantica filed its Verified Complaint with Request for Issue of Warrant of Arrest and Maritime Attachment and Garnishment against defendant Hanwin Shipping Limited (“Hanwin”) *quasi in rem* pursuant to Supplemental Rules B and C for Certain Admiralty and Maritime Claims, requesting issue of a warrant of arrest for Cargo Carried in Hold 5 of the M/V TAC IMOLA and writs of maritime attachment and

garnishment of property of Hanwin including marine fuel aboard the M/V INDIGO SPICA and the M/V TAC IMOLA.

2. On May 27, 2022, this Honorable Court issued Orders granting Transatlantica's Motion for Issue of Warrant of Arrest [ECF No. 6].

3. On or about June 16, 2022, Transatlantica requested issuance of additional Writs of Maritime Attachment and Garnishment directed to Canton Port Services LLC and Canton Maritime Services, Inc. (collectively, "Canton") [ECF No. 17]. Under the Process of Maritime Attachment and Garnishment to Canton requested by Transatlantica, "goods, chattels, credits and effects located and to be found in this District belonging to Defendant, or in the hands of the Garnishee named" are subject to attachment. [ECF Nos. 17-1 and 17-2].

4. Both the M/V TAC IMOLA and the M/V INDIGO SPICA are within the District of Maryland at Annapolis Anchorage awaiting a berth for discharge by Canton at its Canton Pier 11, located at 3800 Newgate Avenue, Baltimore, Maryland 21224. Notably, the plywood cargo on the M/V TAC IMOLA should have been discharged in Baltimore about six months ago. Hawthorne and its principals already fully paid for the goods, including freight, and have no responsibility or obligation to pay more for unloading.

5. However, Transatlantica, the self-proclaimed disponent owner of MV TAC IMOLA, and Hanwin, the time charter of M/V TAC IMOLA and M/V INDIGO SPICA, have been unable to resolve their disputes and, therefore, effectively blocked both vessels from berthing at Canton and unloading Hawthorne's cargo.

6. Transatlantica is willing to exempt from its attachment any payments by or on behalf of Hanwin to Canton to hold pier space and complete the discharge of the M/V TAC

IMOLA beginning on July 8, 2022, provided that discharge of cargo aboard M/V TAC IMOLA precedes discharge of cargo aboard the M/V INDIGO SPICA.

7. Hanwin, however, insists that the discharge of the M/V INDIGO SPICA occur prior to the discharge of the M/V TAC IMOLA. Transatlantica is unwilling to agree to this position.

8. There is presently an extremely small window of time from for Canton to hold pier space and discharge cargo aboard the M/V TAC IMOLA and/or the M/V INDIGO SPICA. The window of time available for this discharge opens July 9, and if the funds are not received in time for the ship to make that date—presumably, tomorrow, July 6th—then the next available pier space for Canton to discharge the M/V TAC IMOLA or the M/V INDIGO SPICA will be in August or September, 2022.

9. Hawthorne is an innocent bystander caught in the middle of the dispute between Transatlantica and Hanwin. Previously, Hawthorne paid to discharge some of the M/V TAC IMOLA's cargo at Albany and Coeymans—all without prejudice to its rights to claim those costs and damages from Transatlantica and/or Hanwin—but Hawthorne cannot continue to pay charges for which it is not responsible in the ordinary course.

10. The language of Transatlantica's Writs of Maritime Attachment and Garnishment continues to prevent any action by the garnishees to take action to discharge M/V TAC IMOLA, despite Transatlantica's agreement to exempt such payment from attachment, apparently for fear that they will run counter to the exact wording of the writs signed by this Court. [ECF No. 17].

11. Accordingly, Hawthorne requests to intervene in the instant action and moves for an Order to Vacate the Writs of Maritime Attachment and Garnishment directed to Canton Port

Services LLC and Canton Maritime Services, Inc. for the purpose of discharging MV TAC IMOLA [ECF No. 17].

12. Additionally, Hawthorne requests a modification of the Writs of Maritime Attachment and Garnishment directed to Canton Port Services LLC and Canton Maritime Services, Inc., allowing payments to be made for the discharge of M/V INDIGO SPICA, too.

WHEREFORE, Intervenor Hawthorne Industrial Products, Inc., for its own account as consignee of certain cargo, and as authorized agent Genesis Products, Inc., Great Lakes Lamination, Great Lakes Forest Products, and Fusion Wood Products, respectfully requests

- A. That the Motion to Intervene be granted; and
- B. That the Court schedule an emergency hearing regarding the matters herein; and
- C. That the writs of maritime attachment and garnishment directed to Canton Port Services LLC and Canton Maritime Services, Inc. [ECF Nos. 17-1 and 17-2] be Vacated or modified to allow Hanwin to make payments to Canton for the discharge of M/V TAC IMOLA and M/V INDIGO SPICA.

Dated: July 5th 2022
Baltimore, Maryland

Respectfully submitted,

/s/ Imran O. Shaukat

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 5th day of July, 2022, that this Motion to Intervene was served on all counsel via this Court's ECF/CM system.

/s/ Imran O. Shaukat
Attorney for Hawthorne